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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE CITY OF PORTLAND,

Defendant.

Case No. 3:12-cv-02265-SI

**PLAINTIFF'S NOTICE OF PERIODIC
COMPLIANCE ASSESSMENT REPORT**

Plaintiff, the United States of America, provides notice to the Court of Attachment 1, our periodic compliance assessment report (“Report”).¹ The United States submits that the Report will assist in “describ[ing] to the Court the progress being made toward achieving substantial compliance with all provisions of the Settlement Agreement and any obstacles or impediments toward that end” at the status conference set for October 21, 2015 at 2:00 p.m. ECF No. 99.² This Report is supplementary to, but does not substitute for, the comprehensive assessment required at the two-year anniversary of the effective date of the Settlement Agreement (“Agreement”), pursuant to paragraph 175 of the Agreement. *See* ECF No. 4-1 ¶ 175.

For the attached Report, we reviewed extensive documentation, particularly the Portland Police Bureau’s (PPB) quarterly self-assessment reports from the First Quarter of 2014 through the Second Quarter of 2015. Each quarterly self-report referred to documentation that PPB believes supports its own assessment of compliance, and our Report considers the information provided through August 28, 2015. References to “folders” throughout the report are to the City of Portland’s (“City”) individually-numbered electronic folders corresponding to the paragraph(s) of the Settlement Agreement that the documentation reportedly supports. In addition to document review, we also consulted with our two expert consultants, conducted interviews of City employees, and made personal observations at City-sponsored meetings (such as the Community and Police Relations Council, Citizens Review Committee, Community Oversight and Advisory Board, Behavioral Health Unit Advisory Committee, and the Training Advisory Council).

¹ The Report references three technical assistance letters, dated, October 28, 2014; August 10, 2015; and August 17, 2015, which are provided as Attachment 2 for the Court’s review.

² The Report was also presented at a meeting on September 14, 2015 with the Albina Ministerial Alliance Coalition for Justice and Police Reform (“AMAC”) and the City of Portland (“the City”) for purposes of describing the progress in implementing the parties’ Settlement Agreement. *See* Collaborative Agreement ¶ 15, Dec. 30, 2013, ECF No. 55-1.

As the Court is aware, the Effective Date of the Settlement Agreement is August 29, 2014. During this past year, however, the United States and City engaged in additional settlement negotiations regarding the City's appeal of this Court's order entering the Settlement Agreement, which was finally resolved on July 30, 2015, when the Court entered an amended Order. To the extent that the United States has not yet been able to engage in a full assessment of implementation of any particular area of the Settlement Agreement, we have so noted in our analysis.

The Report uses the following color-coded compliance status levels to indicate our current assessment of PPB's progress in complying with each provision of the Settlement Agreement:

- Blue: compliance rating pending or not measured. This level indicates that either the provision does not have a specific measurement to assess, or that the United States has not yet been able to fully assess compliance, either due to insufficient documentation provided for assessment, or because the United States must complete additional analysis/observation of how the specific provision is being implemented.
- Green: substantial compliance with an ongoing obligation. This level indicates that the City has implemented the specific provision as required by the Settlement Agreement, and that the City has an ongoing obligation to continue such action to remain in compliance.
- Yellow: partial compliance with an ongoing obligation. This level indicates that while there has been progress made with implementation, specific areas need further attention in order to reach substantial compliance.

- Red: non-compliance. This level indicates that we have recognized barriers to achieving implementation of the provision that must be addressed to achieve compliance.

The Parties have acknowledged that the systemic reforms required by the Settlement Agreement will take time to implement. *See, e.g.*, Settlement Agreement ¶ 178(a) (anticipating substantial compliance with all provisions by October 12, 2017, which was the estimated date as of the date of the initial filing of the proposed Settlement Agreement on December 17, 2012). Our analysis and technical assistance provided with this Report is intended to both acknowledge the City's accomplishments achieved thus far in the implementation of the Settlement Agreement, and to advise the City on certain course corrections that will help achieve compliance.

At the status conference, we anticipate presenting the Court with an overview of our Report and answering any questions that the Court may have concerning this matter.

DATED this 29th day of September, 2015.

Respectfully submitted,

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